

REMARKS

In the final Office Action, the Examiner makes the following observations:

- the specification is objected to because of alleged informalities;
- Claim 14 is rejected on the ground of non-statutory obviousness-type double patenting based on claims 1-4 of HALL et al. (U.S. Patent No. 7,283,512) in view of BUYUKKOC et al. (U.S. Patent No. 6,463,062);
- Claims 39, 42-50, 54-56, and 58-65 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter;
- claims 1, 2, 3, 5, and 12 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI (U.S. Patent No. 6,167,445);
- Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of NOAKE et al. (U.S. Patent No. 6,751,222);
- Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of FARRIS (U.S. Patent No. 6,154,445);
- Claims 6, 8, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of CHRISTIE et al. (U.S. Patent No. 6,690,656);
- Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of VANDERVORT et al. (U.S. Patent No. 5,761,191), and in still further view of HORN et al. (U.S. Patent No. 5,276,676);
- Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of BASSO et al. (U.S. Patent No. 6,633,539);
- Claims 14-16, 18, 31, 39, 42, 43, 45, and 58 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further of view of SMITH (U.S. Patent No. 6,222,823);
- Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of NOAKE et al.;
- Claims 19-21, 23-26, 46-48, and 50 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of CHRISTIE et al.;

- Claims 22 and 49 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH et al., and in still further view of KOBAYASHI (U.S. Patent No. 5,896,371);
- Claims 38 and 65 are rejected under 35 U.S.C. § 103(a) allegedly as unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH et al., and in still further view of BASSO et al.;
- Claims 27-29 and 54-56 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of KOBAYASHI et al. (U.S. Patent No. 5,896,371);
- Claims 32-37 and 59-64 are rejected under 35 U.S.C. § 103(a) allegedly as unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH et al., and in still further view of KILKKI et al. (U.S. Patent No. 6,041,039); and
- Claim 44 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of NOAKE et al.

Applicants respectfully traverse the above objection and rejections.

By way of the present amendment, Applicants amend claims 1-5, 7, 9, 10, 12, 14-29, 31-39, 42-50, and 55-65 and the specification to improve form. No new matter has been added by way of the present amendment. Claims 1-10, 12-29, 31-39, 42-50, and 55-81 are pending, of which claims 66-81 were previously withdrawn in response to a restriction requirement.

Comments Regarding Personal Interview

As an initial observation, Applicants wish to express appreciation to Examiner Moore for the courtesy of the Personal Interview on July 9, 2010. In the Interview, Applicants' representative and Examiner Moore discussed proposed amendments to claim 1, and Examiner Moore indicated that the rejection of claim 1 under 35 U.S.C. § 103(a), based on BUYUKKOC et al. and GAI, would be withdrawn if the claim 1 was amended, as proposed during the interview.

Refusal of Applicants' Priority Claim to Provisional Application

In the final Office Action at pages 3 and 4, the Examiner denies Applicants' claim to priority under 35 U.S.C. § 119(e) to U.S. Provisional Application No. 60/176,928 because the provisional application allegedly fails to provide adequate support or enablement, under 35 U.S.C. § 112, first paragraph, for the pending claims. Applicants respectfully disagree and submit that all of the features recited in the claims are fully supported in U.S. Provisional Application No. 60/176,928.

For example, the features recited in claims 1 are fully supported in the provisional application, as described in the following table:

A method in an Asynchronous Transfer Mode (ATM) network including an ingress switch and an egress switch, where the ingress switch serves an ingress device operated by a calling party and the egress switch serves an egress device operated by a called party, the method comprising:	See for, example, U.S. Provisional Application No. 60/176,928 at FAST MSCP Release 3.0 Call Flows (dated June 2, 1999) at pages 3-8; VOICE & TELEPHONY OVER ATM – IWF: Functional Requirements (dated November 5, 1999) at pages 2-1
receiving, in the ingress switch, a first signaling message and a second signaling message from the ingress device; providing the first signaling message and the second signaling message to a signaling intercept processor associated with the ingress switch; propagating the first signaling message and the second signaling message from the signaling intercept processor to a policy server, the policy server being associated with a policy profile database, the policy profile database storing entries that relate subscribers to policies, where each policy identifies one or more policy features, of a group of policy features, with which the related subscriber is associated; identifying, in the policy profile database and based on the first signaling message and the second signaling message, a policy for the calling party;	See, for example, U.S. Provisional Application No. 60/176,928 at FAST MSCP Release 3.0 Call Flows (dated June 2, 1999) at pages 3-16; ATM SIGNALLING PROCESSOR (ASIP) – Release 3.0: System Design Specification (SDS) (dated June 23, 1999) at pages 6 and 8

<p>determining, in the policy server and based on the first signaling message and the second signaling message, that the policy for the calling party is to be enforced;</p> <p>executing, in the policy server and based on the first signaling message and the second signaling message, appropriate service logic for each policy feature of the one or more policy features identified by the policy for the calling party;</p> <p>determining whether a policy condition associated with each policy feature, of the one or more policy features identified by the policy for the calling party, is satisfied with respect to the first signaling message and the second signaling message,</p>	
<p>where the one or more policy features, identified by the policy for the calling party, comprises an aggregate bandwidth limit feature, and where determining whether the policy condition associated with each policy feature is satisfied comprises:</p> <p>identifying an available forward bandwidth from the ingress switch to the egress switch,</p> <p>identifying an available reverse bandwidth from the egress switch to the ingress switch,</p> <p>calculating a first requested bandwidth associated with the first signaling message, where the first requested bandwidth includes a first forward requested bandwidth from the ingress switch to the egress switch and a first reverse requested bandwidth from the egress switch to the ingress switch,</p> <p>calculating a second requested bandwidth associated with the second signaling message, where the second requested bandwidth includes a second forward requested bandwidth from the ingress switch to the egress switch and a second reverse requested bandwidth from the egress switch to the ingress switch,</p> <p>determining that the available forward bandwidth exceeds the first forward requested bandwidth and that the available reverse bandwidth exceeds the first reverse requested bandwidth,</p> <p>determining an occurrence of at least one of:</p> <p>a total forward requested bandwidth including the first</p>	<p>See, for example, , U.S. Provisional Application No. 60/176,928 at FAST MSCP: Feature Requirements Specification; Release 3.2 (dated August 23, 1999) at pages 27-30; FAST MSCP: Rel. 3.2.0 Transaction Detail Records – Requirements Specification (dated September 1, 1999) at page 27</p>

<p>requested forward bandwidth and the second requested forward bandwidth exceeds the available forward bandwidth, or</p> <p>a total reverse requested bandwidth including the first requested reverse bandwidth and the second requested reverse bandwidth exceeds the available reverse bandwidth,</p> <p>determining that the policy condition is satisfied for the aggregate bandwidth limit feature for the first signaling message, and</p> <p>determining that the policy condition is not satisfied for the aggregate bandwidth limit feature for the second signaling message, and</p>	
<p>forwarding, to the ingress device, a connection failure notice related to the second signaling message; and</p> <p>establishing a connection path, related to the first signaling message, between the ingress switch and the egress switch based on the determination that the policy condition is satisfied for each policy feature, of the one or more policy features identified by the policy for the calling party.</p>	<p>See, for example, U.S. Provisional Application No. 60/176,928 at FAST MSCP: Feature Requirements Specification; Release 3.2 (dated August 23, 1999) at pages 27-30; FAST MSCP Release 3.0 Call Flows (dated June 2, 1999) at pages 3-8</p>

Likewise, U.S. Provisional Application No. 60/176,928 similarly provides clear support for enablement to independent claims 14 and 39. U.S. Provisional Application No. 60/176,928 provides support for dependent claims 2-10, 12, 13, 15-29, 31-38, 42-50, and 55-65 for example, at FAST MSCP: Feature Requirements Specification; Release 3.2 (dated August 23, 1999) at pages 3-26 and 31-38.

For at least the foregoing reasons, recognition to Applicants' claim to priority, under 35 U.S.C. § 119(e) based on U.S. Provisional Application No. 60/176,928 is respectfully requested.

Objection to the Specification

The Examiner objects to the Specification due to alleged informalities. Without acquiescing in this objection and merely to expedite prosecution, Applicants propose to amend

the specification, as requested by the Examiner, to address the concerns raised in the final Office Action at page 11. Applicants further note that claim 39, as originally submitted with the filing of this application, recited a computer readable medium. For at least these reasons, reconsideration and withdrawal of the objection to the Specification are respectfully requested.

Rejection based on Non-Statutory Obviousness-Type Double Patenting

Claim 14 stands rejected on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-4 of HALL et al. in view of BUYUKKOC et al.

As an initial observation, Applicants submit that HALL et al. and BUYUKKOC et al., whether taken alone or in any reasonable combination, disclose or suggest at least one of the features recited in claim 1, as amended. Nevertheless, without acquiescing in this rejection and merely to expedite prosecution, Applicants submit, herewith, a Terminal Disclaimer to HALL et al. to overcome the non-statutory obviousness-type double patenting rejection. Applicants further note that an updated Power of Attorney and a Statement of Ownership under 37 C.F.R. § 3.78(b) were submitted on July 12, 2010. For at least these reasons, Applicants respectfully request that the non-statutory obviousness-type double patenting rejection of claim 14 be withdrawn.

Rejection under 35 U.S.C. § 101

Claims 39, 42-50, and 55-65 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Without acquiescing in this objection and merely to expedite prosecution, Applicants amend claims 39, 42-50, and 55-65 to address the statutory subject matter concerns raised by the Examiner in the final Office Action at pages 11-13. For at least these reasons, Applicants submit that claims 39, 42-50, and 55-65 are directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the rejection of claims 39, 42-50, and 55-65 under 35 U.S.C. § 101 are respectfully requested.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and GAI

Claims 1, 2, 3, 5, and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI. Applicants respectfully traverse this rejection.

Without acquiescing in this objection and merely to expedite prosecution, Applicants amend independent claim 1, substantially as proposed during the interview, and as indicated by the Examiner in the Interview, amended claim 1 is patentable over BUYUKKOC et al. and GAI, whether considered alone or in any reasonable combination. Claims 2, 3, 5, and 12 depend from claim 1. Therefore, these claims are patentable over BUYUKKOC et al. and GAI, whether considered alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 2, 3, 5, and 12 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and GAI.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and NOAKE et al.***

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claim 4 is patentable over BUYUKKOC et al., GAI, and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 4 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and NOAKE et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and CHRISTIE et al.***

Claims 6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 6, 8, and 9 depend from claim 1. Without acquiescing in the rejection of claims 6, 8, and 9, Applicants submit that the disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claims 6, 8, and 9 are patentable over BUYUKKOC et al., GAI, and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully

request that the Examiner reconsider and withdraw the rejection of claims 6, 8, and 9 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and CHRISTIE et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and FARRIS et al.***

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of FARRIS et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. Without acquiescing in the rejection of claim 7, Applicants submit that the disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claim 7 is patentable over BUYUKKOC et al., GAI, and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and FARRIS et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and one of VANDERVORT et al. or HORN et al.***

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of VANDERVORT et al. or HORN et al. Applicants respectfully traverse this rejection.

Claim 10 depends from claim 1. Without acquiescing in the rejection of claim 10, Applicants submit that the disclosures of VANDERVORT et al. and HORN et al. do not remedy

the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claim 10 is patentable over BUYUKKOC et al., GAI, and VANDERVORT et al. and over BUYUKKOC et al., GAI, and HORN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 10 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and VANDERVORT et al./HORN et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and BASSO et al.***

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of BASSO et al. Applicants respectfully traverse this rejection.

Claim 13 depends from claim 1. Without acquiescing in the rejection of claim 13, Applicants submit that the disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claim 13 is patentable over BUYUKKOC et al., GAI, and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 13 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and BASSO et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and SMITH***

Claims 14-16, 18, 31, 39, 42, 43, 45, and 58 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further of view of SMITH. Applicants respectfully traverse this rejection.

Without acquiescing in this rejection and merely to expedite prosecution, Applicants amend independent claims 14 and 39 to recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. The disclosure in SMITH does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI set forth above with respect to claim 1. Therefore, Applicants submit that claims 14 and 39 are patentable over BUYUKKOC et al., GAI, and SMITH, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 15, 16, 18, 31, 42, 43, 45, and 58 depend from one of claims 14 and 39. Therefore, these claims are patentable over BUYUKKOC et al., GAI, and SMITH, whether considered alone or in any reasonable combination, for at least the reasons given with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 14-16, 18, 31, 39, 42, 43, 45, and 58 under 35 U.S.C. § 103(a) based on over BUYUKKOC et al., GAI, and SMITH.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and NOAKE et al.***

Claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 17 depends from claim 14. Without acquiescing in the rejection of claim 17, Applicants submit that the disclosure of NAOKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claim 14. Therefore, Applicants submit that claim 17 is patentable over BUYUKKOC et al., GAI, SMITH, and NAOKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 17 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and NAOKE et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and CHRISTIE et al.***

Claims 19-21, 23-26, 46-48, and 50 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, further in view of SMITH, and in still further view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 19-21, 23-26, 46-48, and 50 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 19-21, 23-26, 46-48, and 50, Applicants submit that the disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 19-21, 23-26, 46-48, and 50 are patentable over

BUYUKKOC et al., GAI, SMTIH, and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 19-21, 23-26, 46-48, and 50 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and CHRISTIE et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and FARRIS et al.***

Claims 22 and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of FARRIS et al. Applicants respectfully traverse this rejection.

Claims 22 and 49 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 22 and 49, Applicants submit that the disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 22 and 49 are patentable over BUYUKKOC et al., GAI, SMTIH, and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 22 and 49 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and FARRIS et al.

**Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and KOBAYASHI et al.**

Claims 27-29 and 54-56 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of KOBAYASHI et al. Applicants respectfully traverse this rejection.

Claims 27-29 and 54-56 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 27-29 and 54-56, Applicants submit that the disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 27-29 and 54-56 are patentable over BUYUKKOC et al., GAI, SMITH, and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 27-29 and 54-56 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and KOBAYASHI et al.

**Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and KILKKI et al.**

Claims 32-37 and 59-64 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of KILKKI et al. Applicants respectfully traverse this rejection.

Claims 32-37 and 59-64 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 32-37 and 59-64, Applicants submit that the disclosure of KILKKI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 32-37

and 59-64 are patentable over BUYUKKOC et al., GAI, SMITH, and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 32-37 and 59-64 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and KILKKI et al.

***Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, SMITH, and BASSO et al.***

Claims 38 and 65 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of SMITH, and in still further view of BASSO et al. Applicants respectfully traverse this rejection.

Claims 38 and 65 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 38 and 65, Applicants submit that the disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 38 and 65 are patentable over BUYUKKOC et al., GAI, SMITH, and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 38 and 65 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, SMITH, and BASSO et al.

**Rejection under 35 U.S.C. § 103(a) based on
BUYUKKOC et al., GAI, and NOAKE et al.**

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, and in further view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 44 depends from claim 39. As an initial observation, Applicants note that this rejection is improper *per se* since the Examiner admits deficiencies in the disclosures of BUYUKKOC et al. and GAI with respect to claim 39 and cites to SMITH et al to allegedly cure the admitted deficiencies in the disclosures of BUYUKKOC et al. and GAI. Nevertheless, without acquiescing in the rejection of claim 44, Applicants submit that the disclosure of NOAKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and SMITH set forth above with respect to claim 39. Therefore, Applicants submit that claim 44 is patentable over BUYUKKOC et al., GAI, and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 44 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and NOAKE et al.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the final Office Action or certain requirements that may be applicable to such assertions (e.g., whether a

reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding examiner notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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